

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAMOND JULIAN ROKER (ALSO KNOWN
AS) DJ ROKER, D/B/A BISHOP ROKER,

Plaintiff,

-against-

NEXSTAR MEDIA GROUP, INC.; WREG-
TV/NEWS CHANNEL 3,

Defendants.

24-CV-5004 (LJL)

ORDER OF SERVICE

LEWIS J. LIMAN, United States District Judge:

Plaintiff, who currently is incarcerated at Northwest Correctional Complex in Tiptonville, Tennessee, brings this action, *pro se*, alleging that Defendants unlawfully infringed on his copyrighted material.¹ By order dated September 19, 2013, the court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.²

DISCUSSION

A. Service on Defendants

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.³ *Walker v. Schult*, 717 F.3d. 119, 123 n.6

¹ The court received Plaintiff's initial complaint in this action on June 26, 2024. By order dated July 2, 2024, Chief Judge Laura Taylor Swain directed Plaintiff to either pay the \$405.00 in fees required to file a civil action in this court or submit a signed prisoner authorization. (ECF 5.) Also on July 2, 2024, Plaintiff, unprompted by the court, filed an amended complaint. (ECF 6.) On July 23, Plaintiff filed a prisoner authorization. (ECF 8.) The amended complaint is the operative pleading.

² Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

³ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the amended complaint and ordered

(2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants Nexstar Media Group, Inc. and WREG-TV/News Channel 3 through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

B. Motion for Counsel

On August 5, 2025, Plaintiff filed a motion for the court to request *pro bono* counsel. (ECF 9.) The factors to be considered in ruling on an indigent litigant’s request for counsel include the merits of the case, Plaintiff’s efforts to obtain a lawyer, and Plaintiff’s ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of

that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

these, the merits are “[t]he factor which command[s] the most attention.” *Cooper*, 877 F.2d at 172. Because it is too early in the proceedings for the Court to assess the merits of the action, Plaintiff’s motion for counsel is denied without prejudice to renewal at a later date.

CONCLUSION

The Clerk of Court is instructed to issue a summons for each Defendant, complete the USM-285 form with the address for each Defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Court denies Plaintiff’s motion for the court to request counsel without prejudice to renewal at a later date. (ECF 9.)

The Clerk of Court is further directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: September 23, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge

SERVICE ADDRESS FOR EACH DEFENDANT

1. Nexstar Media Group, Inc.
685 3rd Avenue, 31st Floor
New York, NY 10017
2. WREG-TV/News Channel 3
803 Channel 3 Drive
Memphis, TN 38103